

REMARKS

Claims 11-12, 14-17, 19 and 20 are pending in this application. By this Amendment, claims 11 and 16 are amended and claims 13 and 18 are canceled without prejudice or disclaimer to the subject matter recited therein. Support for the amendments to claims 11 and 16 may be found at least in previously presented claims 13 and 18, at paragraphs [0030] and [0033] to [0036] of the Specification, and in Figs. 2A, 2B and 3. No new matter is added by the above amendments. In view of at least the following, reconsideration and allowance are respectfully requested.

I. Claim Rejections under 35 U.S.C. §102

The Office Action rejects claims 11-20 under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Application Publication No. 63-138118 (Hiroyuki); rejects claims 11-20 under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Application Publication No. 07-197833 (Iku); and rejects claims 11-20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0020388 (Wright). The rejections with respect to the pending claims are respectfully traversed.

Applicant respectfully submits that at least the rejections over Hiroyuki and Iku are improper. The Office Action fails to provide any explanation, or any citations whatsoever as to which portions of the disclosure of Hiroyuki or Iku anticipate claims 11-20.

Nevertheless, Applicant respectfully submits that none of Hiroyuki, Iku, and Wright disclose each and every feature of at least independent claims 11 and 16.

It is well settled that a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP §2131. Despite the Office Action's assertions, Hiroyuki, Iku and Wright do not teach each and every feature presently recited in independent claims 11 and 16.

Independent claim 1 recites, in part, a fuel injection control apparatus that "changes the fuel injection mode of a particular cylinder at a point of time according to the request to change the fuel injection mode for the particular cylinder." More specifically, claim 11 recites "where the request to change the fuel injection mode is made during a period after the port injection mode is set and before a direct injection mode is set...when a requested port injection mode is an intake non-synchronous injection mode, the controller changes the fuel injection mode to the mode of fuel injection from the injector for intake port injection after one cycle has elapsed since the request to change the fuel injection mode is made." Claim 16 is directed to a corresponding method that recites similar features. None of the applied references disclose at least these features of claims 11 and 16.

Hiroyuki performs stratified combustion of air-fuel mixture at a set timing when an engine is in a first running area, and performs a uniform combustion of air-fuel mixture at a set timing when the engine is in a second running area. However, Hiroyuki does not disclose a delay of one cycle before changing the fuel injection mode when a request port injection mode is an intake non-synchronous injection mode.

Iku also does not disclose the above-mentioned feature of independent claims 11 and 16. While Iku adjusts fuel injection timing in accordance to an engine condition (temperature), Iku fails to disclose delaying the change of the fuel injection mode one cycle when a request port injection mode is an intake non-synchronous injection mode.

Furthermore, Wright fails to disclose the above-mentioned feature. While Wright performs a short ignition delay when the temperature in the combustion chamber is high, Wright fails to disclose that "the controller changes the fuel injection mode to the mode of fuel injection from the injector for intake port injection after one cycle has elapsed since the request to change the fuel injection mode is made."

Accordingly, Hiroyuki, Iku and Wright each fail to disclose the above-quoted features recited by independent claims 11 and 16. Therefore, independent claims 11 and 16 are patentable. Claims 12-15 and 17-20 variously depend from one of claims 11 and 16, and thus are patentable for at least the reasons that claims 11 and 16 are patentable, as well as for the additional features they recite.

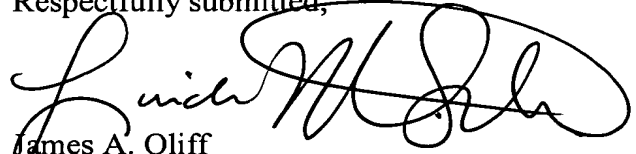
Accordingly, withdrawal of the rejections is respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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